

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN THOMAS BENJAMIN,

Plaintiff,

v.

SCRANTON UC SERVICE CENTER, et al.,

Defendants.

:  
: CIVIL ACTION NO. 3:20-CV-1825  
: (JUDGE MARIANI)  
: (Magistrate Judge Arbuckle)  
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ORDER

AND NOW, THIS 26<sup>th</sup> DAY OF FEBRUARY 2021, upon review of Magistrate

Judge William I. Arbuckle's Report and Recommendation ("R&R") (Doc. 5) for clear error or manifest injustice,<sup>1</sup> **IT IS HEREBY ORDERED THAT:**

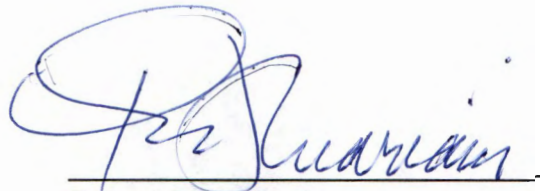
1. The R&R (Doc. 5) is **ADOPTED** for the reasons set forth therein;
2. Based on 28 U.S.C. § 1915(e)(2) initial screening, Plaintiff's Complaint is

**DISMISSED** without leave to amend pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

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<sup>1</sup> Plaintiff filed a document responding to the R&R on February 22, 2021. (Doc. 6.) The document is postmarked February 16, 2021. (Doc. 6 at 2.) Therefore, the Court does not consider the document to be timely filed pursuant to 28 U.S.C. § 636(b)(1)(B). Moreover, Plaintiff provides no specific objection to the R&R but states generally that the Magistrate Judge was "misleading" his "original case" and used "words and different codes" from those used in Plaintiff's complaint. (Doc. 6 at 1.) Based on the filing date and content, the Court does not construe this document to be timely filed objections. As such, the Court reviews the R&R under the clear error standard rather than the *de novo* standard warranted when timely and specific objections are filed. See *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984).

3. The Clerk of Court is directed to **CLOSE THIS CASE**.

A handwritten signature in blue ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani  
United States District Judge